

REMARKS

The Abstract has been amended to resolve an issue raised by the Examiner. Claim 25 and 26 have been added based on, e.g., the disclosure at page 4, lines 1-3, 9-10, and 21-22, and in Examples 6-8 in the specification.

Entry of the amendment is respectfully requested.

Objection to the Abstract

On page 2 of the Office Action, the Examiner has objected to the abstract of the disclosure because the phrase "an active energy beam-curable composition for optical material is provide that comprises ..." is grammatically incorrect.

In response, Applicant has amended the phrase at issue to "an active energy beam-curable composition for optical material is provided that comprises ..." as suggested by the Examiner. Accordingly, Applicant submits that the objection has been overcome, and withdrawal of the objection is respectfully requested.

Anticipation Rejections

On page 2 of the Office Action, claims 5-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al (US 5,969,867). Further, on page 4 of the Office Action, claims 16-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al (US 5,969,867).

The Examiner's Position

The Examiner's position is basically that Fukushima et al teach an active ray-curable composition comprising an active energy ray-sensitive radical polymerization initiator (col. 5, lines 4-5) {photoinitiator}, bis(4-acryloylethoxyphenyl) sulfide (Structure II 5:55-6:15, wherein $Z = -S-$, p and $q = 0$, $R^3 = -(OCH_2CH_2)-$, n and $m = 1$, and $R^2 = H$), and 2-phenylphenyl(meth)acrylate (8:2) {o-phenylphenyl acrylate}, wherein the composition comprises 10-90 parts by weight of instant structure (1) (7:3-5, wherein instant structure (1) is equivalent to reference component (B-1)) and 1-50 parts by weight of instant structure (2) (8:15-17, wherein instant structure (2) is equivalent to reference component (B-2)). Furthermore, the Examiner indicates that the reference teaches the composition specifically containing 19.6 wt % and 34.3 wt % of instant structure (1) and instant structure (2), respectively, per the Examiner's calculations (Table 2, Ex. 11, in which reference component (B-1) is equivalent to instant structure (1) and reference component (B-2) is equivalent to instant structure (2)). Also, the Examiner indicates that Fukushima et al teach a method for producing a lens sheet comprising casting the active energy ray-curable composition into a lens mold and irradiating for curing (9:7-16).

Applicant's Response

In response, Applicant submits initially that the composition of Example 11 in Table 2 is not within the scope of the present invention, so it does not anticipate the present invention. In this regard, Applicant notes that BPA-5 in Example 11 is not actually defined in the specification, and Applicant believes that BPM-5 or perhaps BPA-2 was intended; however,

neither BPM-5 nor BPA-2 is within the scope of present formula (1), because neither BPM-5 nor BPA-2 includes sulfur, which is required in present formula (1). For at least this reason, Example 11 does not anticipate the present invention.

In addition, Applicant submits that formula (B-1) in Fukushima is quite broad and cannot be fairly said to anticipate the present invention. In this regard, Applicant submits that formula (B-1) is quite broad, and thus one would not have at once envisaged present formula (1) from Fukushima's formula (B-1).

Moreover, with respect to newly added claims 25 and 26, Applicant submits that Fukushima does not contain any teaching regarding present formula (3) or p-cumylphenol (meth)acrylate in particular.

In view of the above, Applicant submits that the present invention is not anticipated by Fukushima, and thus withdrawal of the anticipation rejections is respectfully requested.

Obviousness-Type Double Patenting Rejection

On page 5 of the Office Action, claims 5-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-26 of copending Application No. 10/589660 in view of Fukushima et al (US 5,969,867).

The Examiner's Position

The Examiner's position is basically that Application No. 10/589660 teaches a photocurable optical material comprising a photoinitiator, an o-phenylphenyl (meth)acrylate compound (reads on instant formula (2)) and a bis-phenyl-sulfide compound, lacking an ethoxy

group, similar to that of instant formula (1). Additionally, the Examiner indicates that the application teaches the method for producing an optical material as cited in the instant application. While Application No. 10/589660 does not teach instant structure (1), nor the more limited version of structure (1) in claims 5-10 and 16-21, the Examiner indicates that Fukushima et al teach an active ray-curable composition as discussed above. The Examiner considers that Application No. 10/589660 and Fukushima et al are analogous art because they are concerned with the same field of endeavor (photocurable optical material), and the Examiner indicates that a person of ordinary skill in the art would have found it obvious to have used the bis(4-acryloylethoxyphenyl) sulfide, as taught by Fukushima et al, in place of the bis(4-(meth)acryloyloxyphenyl) sulfide compound of Application No. 10/589660 since Fukushima et al suggest the two bis-phenyl-sulfide compounds are alternative equivalent compounds for a photocurable optical material.

Applicant's Response

In response, Applicant submits that contrary to the Examiner's assertion, Fukushima et al does not suggest the two bis-phenyl-sulfide compounds are alternative equivalent compounds for a photocurable optical material. In this regard, while the Examiner indicates that the disclosure at col. 5, line 55 to col. 6, line 15 in Fukushima teaches a compound of the copending application (see page 6, line 3 in the Office Action), Applicant submits that such is not the case, because the Examiner has not accounted for R^3 in Fukushima, which distinguishes the compound in Fukushima from the compound of the copending application. Accordingly, Applicant submits

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that one would not have arrived at the present invention from the copending application and Fukushima, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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